

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR
SYSTEMS PRODUCTS LIABILITY
LITIGATION

Master File No. 2:12-MD-02327
MDL 2327

This document applies to:

ETHICON WAVE 5 CASES LISTED IN
PLAINTIFFS' EXHIBIT A

JOSEPH R. GOODWIN U.S. DISTRICT
JUDGE

**NOTICE OF ADOPTION OF WAVE 3 *DAUBERT* RESPONSES REGARDING
JANET E. TOMEZSKO, M.D. FOR WAVE 5**

Plaintiffs filed a Notice of Adoption (Dkt. 4369) as to the opinion testimony of Janet E. Tomezsko, M.D in the single Wave 5 case identified in Exhibit A to their Notice. That case—*Rachel Thorson et al. v. Ethicon, Inc.*—has since become inactive, making Plaintiffs' Notice of Adoption moot. To the extent, however, that Dr. Tomzsko's opinion testimony may become necessary for this or any other Wave 5 case, Defendants adopt and incorporate by reference the *Daubert* response filed in relation to the general-causation opinions of Janet E. Tomezsko, M.D for Ethicon Wave 3 (Dkt. 2924) as their response for Wave 5. Defendants respectfully request that the Court deny Plaintiffs' motion for the reasons expressed in the Wave 3 response briefing.

Dated: August 29, 2017

Respectfully submitted,

ETHICON, INC. AND
JOHNSON & JOHNSON

/s/ Rita A. Maimbourg

Rita A. Maimbourg
TUCKER ELLIS LLP
950 Main Avenue, Suite 1100
Cleveland, OH 44113-7213
Telephone: 216.592.5000
Facsimile: 216.592.5002
rita.maimbourg@tuckerellis.com

/s/ David B. Thomas

David B. Thomas (W.Va. Bar #3731)
THOMAS COMBS & SPANN PLLC
300 Summers St.
Suite 1380 (25301)
P.O. Box 3824
Charleston, WV 25338
Telephone: 304.414.1807
dthomas@tcspllc.com

/s/ Christy D. Jones

Christy D. Jones
BUTLER SNOW LLP
1020 Highland Colony Parkway
Suite 1400 (39157)
P.O. Box 6010
Ridgeland, MS 39158-6010
Telephone: 601.985.4523
christy.jones@butlersnow.com

CERTIFICATE OF SERVICE

I certify that on August 29, 2017, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

/s/ Rita A. Maimbourg

Rita A. Maimbourg

TUCKER ELLIS LLP

950 Main Avenue, Suite 1100

Cleveland, OH 44113-7213

Telephone: 216.592.5000

Facsimile: 216.592.5002

rita.maimbourg@tuckerellis.com